

# OCHR FACTSHEET

## Employees Excepted from Furlough

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### SPECIAL ISSUE

This Fact Sheet:

- Defines excepted employees
- Explains the requirements of civilian and military excepted employees
- Highlights questions and answers related to excepted employees

### Background

If the current Continuing Resolution for Appropriations expires at midnight 8 April 2011, certain DoD functions are required to continue. Those activities include the ongoing commitments to the war efforts as well as other operations necessary for the safety of human life and protection of property, including those operations essential for national security. Therefore, these functions are excepted from furlough. Excepted employees are directed to work. *NOTE: Excepted from furlough may also be described as exempt in other agencies' guidance.*

### Civilian Employees Excepted from Furlough

Civilian employees engaged in excepted activities will continue in normal duty status but will not be paid until Congress makes appropriated funds available. Only the minimum number of civilian employees necessary to carry out the excepted activities will be excepted from furlough (directed to work). Positions that provide direct support to excepted positions may also be deemed excepted if they are critical to performing the excepted activity.

Civilian employees whose salaries are paid from a DoD appropriation or a fund that has sufficient funding authority (e.g., multiyear appropriations with available balances from prior years) are excepted from the furlough (directed to work).

Employees in working capital fund (WCF)/revolving fund (RF) activities are excepted from the furlough (directed to work) as long as there are sufficient ongoing customer orders using non-lapsed funds or sufficient funded customer orders for excepted functions.

Non-appropriated fund employees are excepted from the furlough (directed to work).

Foreign national employees paid with host country funds are excepted (directed to work) as well as those governed by country-to-country agreements that prohibit furloughs.

Excepted employees (directed to work) are not the same as emergency essential employees, who are those employees who must report in emergency conditions, such as severe weather.

### Military Personnel

Military personnel are not subject to furlough and will continue to report for duty, carrying out their assigned duties. Additionally, they may be assigned to carry out non-excepted (furloughed) activities in place of furloughed civilian employees.



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## Excepted Functions

Following is a listing of the high-level categories used in identifying missions and functions in DoD that may continue in the absence of available appropriations. A more detailed description of the categories is available via the DoD guidance on the continuation of operations in the absence of appropriations.

Activities that are determined not to be excepted and which cannot be performed by utilizing military personnel in place of furloughed civilian employees will be suspended when the appropriated funds expire. Each major command will identify excepted functions within the command that meet the parameters outlined by DoD and driven by program requirements. DoD categories include:

- Protection of life and property, national security
- Safety of persons and protection of property
- Medical/dental care
- Acquisition and logistic support
- Contracting activities
- Education and training necessary to participate in or support excepted activities; DoDEA educational activities, to the extent required by law
- Legal activities
- Audit and investigation community
- Morale welfare and recreation/non-appropriated funds
- Financial management in support of excepted activities and management of working capital funds
- Working capital fund/other revolving funds
- Trust/special funds
- Support services necessary to continue performing the excepted functions above

## Important to Note

- Excepted employees (directed to work) who are not able to report to duty due to sick leave, jury duty, etc., must be placed in a furlough status (i.e., non-pay, non-duty) until they are able to return to duty
- Excepted employees are working for delayed pay and will not be compensated until Congress makes appropriated funds available
- Excepted employees on TDY performing excepted functions will remain at their TDY location.
- Only excepted (directed to work) employees shall be permitted to work; those non-excepted (furloughed) employees may not volunteer to work during a lapse in funding
- Heads of activities may require the return to work of civilian employees in the event of developments that would require additional resources to support excepted functions (e.g., developments that pose an imminent danger to life or property)

## Still Need Assistance?

Additional information on furloughs may be found at the DoD CPMS website at [www.cpms.osd.mil/](http://www.cpms.osd.mil/), the Office of Personnel Management at [www.opm.gov/furlough/furlough.asp](http://www.opm.gov/furlough/furlough.asp), and the DON at [www.public.navy.mil/donhr](http://www.public.navy.mil/donhr).

